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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Shin Ima

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

WU, RUTAO

ART UNIT

PAPER NUMBER

3628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/931,660

Applicant(s)

IIMA, SHIN

Examiner

Rob Wu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Status of Claims

1. In response filed November 09, 2006 the applicant amended claims 1-4, 7-8. No claims have been cancelled and no new claims have been introduced. Claims 1-8 are pending in the current application.

Response to Arguments

2. Applicant's arguments filed November 09 2006 have been fully considered but they are not persuasive.

With regards to claim 1, the applicant amended the claim to now include the limitation "*multiplexing means for multiplexing a unit cost per unit data and a first magnitude in said data transferred through said network when said judgment formed by said judgment means judges that the action was initiated by a first party and for multiplexing a unit cost per unit data and a second magnitude in said data transferred through said network when said judgment formed by said judgment means judges that the action was initiated by a second party, wherein the first magnitude is a positive magnitude indicating that the first party initiated the action of transferring data and the second magnitude is a negative magnitude indicating that the second party initiated the action of transferring data.*" The applicant argues that Ferguson et al (U.S. Pat No. 5819092) does not disclose or teach such feature. The Examiner respectfully disagrees.

Ferguson et al disclose the ability to set fees to be paid by the user for an amount of data accessed; (col 3: lines 62-63) The fees can depend on the size of a document. (col 30: lines 1-2) Therefore, it is clear that Ferguson et al associates a unit cost per unit data and the amount of data transferred to determine the amount to be charged to the user. Consequently, Ferguson et al teach *multiplexing means for multiplexing a unit cost per unit data and a first magnitude in said data transferred through said network when said judgment formed by said judgment means judges that the action was initiated by a first part.*

With regards to the limitation on associating the charge and amount of data to the party that initiated the data transfer as determined by the judgment means as recited in claim 1. Ferguson et al disclose metering of user usage patterns for the online service, this can include the number of users who access the service, the duration of each user's connection time, the number of times that a certain part of the service is accessed... This data can be used to levy fees for users, advertisers, of information providers, or to tune the service itself. (col 12: lines 15-23) Levying a fixed fee on a content provider whenever a user views or downloads that provider's textual or graphic information from the online service. (col 31: lines 2-5) It is clear from the disclosure that Ferguson et al is capable of charging the party which is responsible for initiating the data transfer by classifying the data as Users Pay or Content Provider Pay which produce the same results as the "magnitudes" as presented by the applicant, since magnitude as defined by the applicant is just to differentiations between the responsible parties. Therefore, Ferguson et al teach *multiplexing means for*

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multiplexing a unit cost per unit data and a first magnitude in said data transferred through said network when said judgment formed by said judgment means judges that the action was initiated by a first party and for multiplexing a unit cost per unit data and a second magnitude in said data transferred through said network when said judgment formed by said judgment means judges that the action was initiated by a second party.

Ferguson also discloses that the invention is capable of using a Fee Computation defined in the Computation Language of the present invention, the online service may charge or pay a user or content provider. (col 9: lines 2-4) As an example, Ferguson discloses a fixed fee can be levied on users whenever certain textual or graphic information is viewed or downloaded from the online service, (col 30: lines 28-30) and a fixed fee can be paid to a user in exchange for that user filling out a market survey questionnaire. (col 30: lines 60-61) From this disclosure it can be seen that the service provider is the first party and the user is the second party. It is obvious from the user's point of view that if the user is getting paid for the first party initiated action of transferring the data (the service provider's questionnaire that the user fills out) then it is certainly a positive magnitude, the user is getting paid. Like wise, if the user is levied a fee for the second party initiated action of transferring data (the user views or download certain textual or graphic information) then it is a negative magnitude, the user is getting charged. Therefore, from Ferguson's disclosure, it is obvious that Ferguson teaches *"wherein the first magnitude is a positive magnitude indicating that the first party initiated the action of transferring data and the second magnitude is a negative magnitude indicating that the second party initiated the action of transferring data."*

Claims 2-4, 7 and 8 recite same or similar limitation as claim 8 and are rejected for similar reason as provided in the rejection of claim 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat No. 5,819,092 to Ferguson et al.

Referring to claims 1-3:

An information-processing apparatus for transmitting data through a network, comprising:

judgment means for forming a judgment as to which of at least two parties initiated an action for transferring data through said network; (col 8: lines 63-67; col 9: lines 1-2; col 13: lines 58-60)

multiplexing means for multiplexing a unit cost per unit data in said data and a first magnitude in said data transferred through said network when said judgment formed by said judgment means judges that the action was initiated by a first party and for multiplexing a unit cost per unit data and a second magnitude in said data transferred through said network when said judgment formed by said judgment means

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judges that the action was initiated by a second party; and (col 4: lines 58-60, 64-67; col 30: lines 28-30, 61-62; col 31: lines 2-7, lines 33-43)

Ferguson does not expressly disclose wherein the first magnitude is a positive magnitude indicating that the first party initiated the action of transferring data and the second magnitude is a negative magnitude indicating that the second party initiated the action of transferring data.

Ferguson discloses that the invention is capable of using a Fee Computation defined in the Computation Language of the present invention, the online service may charge or pay a user or content provider. (col 9: lines 2-4) As an example, Ferguson discloses a fixed fee can be levied on users whenever certain textual or graphic information is viewed or downloaded from the online service, (col 30: lines 28-30) and a fixed fee can be paid to a user in exchange for that user filling out a market survey questionnaire. (col 30: lines 60-61) From this disclosure it can be seen that the service provider is the first party and the user is the second party. It is obvious from the user's point of view that if the user is getting paid for the first party initiated action of transferring the data (the service provider's questionnaire that the user fills out) then it is certainly a positive magnitude, the user is getting paid. Like wise, if the user is levied a fee for the second party initiated action of transferring data (the user views or download certain textual or graphic information) then it is a negative magnitude, the user is getting charged.

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transmission means for transmitting said data multiplexed with said unit cost by said multiplexing means through said network. (col 4: lines 46-48; col 9: lines 5-9; col 11: lines 4-8)

Referring to claims 4, 7 and 8:

An accounting-processing apparatus for settling accounting for data exchange through a network, comprising:

judgment means for forming a judgment as to which of at least two parties initiated an action for transferring data through said network by determining if a first magnitude or a second magnitude is multiplexed in said data, (col 8: lines 63-67; col 9: lines 1-2; col 13: lines 58-60; col 31:21-60; col 32: 1-32)

Ferguson does not expressly disclose wherein the first magnitude is a positive magnitude indicating that the first party initiated the action of transferring data and the second magnitude is a negative magnitude indicating that the second party initiated the action of transferring data.

Ferguson discloses that the invention is capable of using a Fee Computation defined in the Computation Language of the present invention, the online service may charge or pay a user or content provider. (col 9: lines 2-4) As an example, Ferguson discloses a fixed fee can be levied on users whenever certain textual or graphic information is viewed or downloaded from the online service, (col 30: lines 28-30) and a fixed fee can be paid to a user in exchange for that user filling out a market survey questionnaire. (col 30: lines 60-61) From this disclosure it can be seen that the service provider is the first party and the user is the second party. It is obvious from the user's

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point of view that if the user is getting paid for the first party initiated action of transferring the data (the service provider's questionnaire that the user fills out) then it is certainly a positive magnitude, the user is getting paid. Like wise, if the user is levied a fee for the second party initiated action of transferring data (the user views or download certain textual or graphic information) then it is a negative magnitude, the user is getting charged.

accounting means for determining the party determined by said judgment means to be a side initiating an action for transferring data through said network to settle accounting for said data transferred through said network. (col 7: lines 29-31; col 9: lines 2-5; col 10: lines 13-14)

Referring to claim 5:

An accounting-processing apparatus according to claim 4, further comprising:

First acquisition means for acquiring an amount of data exchange through said network; and (col 3: lines 62-63; col 18: lines 36-37; col 30: lines 1-2, 42-43)

Second acquisition means for acquiring a unit price per unit data for data exchanged through said network, (col 3: lines 62-63; col 18: lines 36-37; col 30: lines 1-2, 42-43)

Wherein said accounting means computes a price of transferred data on the basis of an amount of data acquired by said first acquisition means and a unit price acquired by said second acquisition means. (col 3: lines 62-63; col 18: lines 36-37; col 30: lines 1-2, 42-43)

Referring to claim 6:

An accounting-processing apparatus according to claim 4 wherein said second acquisition means further acquires a sign of said unit price, and said accounting means drives said transmission side or said reception side determined to be a side not initiating an action for transferring data through said network to settle accounting in case said sign is negative. (col 4: lines 58-60, 64-67; col 30: lines 28-30, 61-62; col 31: lines 2-7, lines 33-43)

the examiner is considering, based on the specifications portion of the applicant's application, that if data was transferred with a negative value, then initiating side would not be levied a charge or be paid an amount of fee; if data was transferred with a positive value, then the initiating side would be levied a charge and the non-initiating side would not be levied a charge or be paid an amount of money. A couple of examples are provided by Ferguson's patent to illustrate the concept. Users can be levied a fee for information viewed or downloaded and the provider can be paid a fee for users accessing their information. In this case, the users initiated the transferring with a positive value. A provider can be levied a fee for users viewing or downloading their information. In this case, the users initiated the transferring with a negative value.

Conclusion

5. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

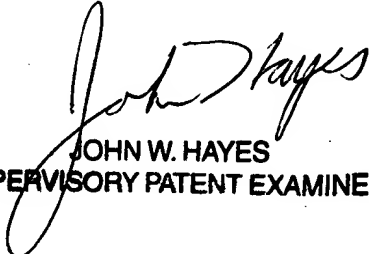
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Wu whose telephone number is (571)272-3136. The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rw


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER